

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-30 are pending in the present application. Claims 1-11 and 15-25 are amended by the present amendment. Support for the amended claims can be found at least at Figs. 1-7 and ¶¶ [0043], [0054], [0056] and [0060] of the published version of the originally filed specification (U.S. 2008/0095081). No new matter is presented.

In the Office Action, Claims 1-30 are rejected under 35 U.S.C. § 112, first paragraph; Claims 1-10, 12-24 and 26-30 are rejected under 35 U.S.C. § 102(b) as anticipated by Lieshout et al. (U.S. 2002/0094833, herein Lieshout); and Claims 11 and 25 are objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicant appreciatively acknowledges the indication of allowable subject matter. However, as amended independent Claims 1 and 15 are believed to patentably define over the applied reference, Claims 11 and 25 are presently maintained in dependent form.

The Office Action rejects Claims 1-30 under 35 U.S.C. § 112, first paragraph, asserting that the term “Forward Access Channel (FACH)” was not defined in the original specification. In response, the claims are amended throughout to omit this term.

Accordingly, Applicant respectfully requests that the outstanding rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

The Office Action rejects Claims 1-10, 12-24 and 26-30 under 35 U.S.C. § 102(b) as anticipated by Lieshout. In response to this rejection, Applicant respectfully submits that amended independent Claims 1 and 15 recite novel features clearly not disclosed by Lieshout.

Independent Claim 1, for example, is amended to recite a method for power control in a communication system employing a downlink control channel and a common physical control channel received by a plurality of mobile equipment in a cell, comprising:

applying power control on the downlink control channel transmitted to each one of the plurality of mobile equipment individually;

deriving power control information from the power control applied to the downlink control channel; and

applying the derived power control information from the power control applied to the downlink control channel to the common physical control channel in order to perform power control on the common physical control channel, wherein

the power control on the common physical control channel is performed *so that combined transmission power for the plurality of mobile equipment is within a predetermined limit*.

Support for the above-emphasized features of Claim 1 can be found at least at ¶ [0054] of the published version of the specification.

Independent Claim 15, while directed to an alternative embodiment, is amended to recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1 and 15.

Turning to the applied reference, Lieshout describes a technique in which various “factors” are used to regulate the transmission power of various downlink common transport channels for which power control is not conventionally used. As described at paragraph [0014], these factors include measurements made by the user equipment (UE) such as received signal strength, signal-to-interference ratio, error rates and so on.

At no point, however, does Lieshout teach or suggest performing power control on a common physical control channel *so that combined transmission power for the plurality of mobile equipment is within a predetermined limit*, as recited in independent Claims 1 and 15.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of Claims 1 and 15 (and the claims that depend therefrom) under 35 U.S.C. § 102 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-30 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

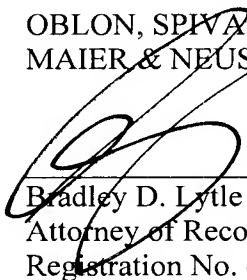
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Andrew T. Harry
Registration No. 56,959